

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Andrew Ludwick is a self-employed private investor who resides in Palo Alto.

In 2002, during the first semi-annual campaign reporting period January 1, 2002 through June 30, 2002, Respondent Andrew Ludwick made \$100,200 in political contributions, and thereby qualified as a “major donor committee” under the Political Reform Act (the “Act”).<sup>1</sup> As such, Respondent was required to comply with specified campaign reporting provisions of the Act.

As a major donor committee, Respondent was required by the Act to file a semi-annual campaign statement, commonly known as a “major donor statement,” disclosing Respondent’s campaign activity during the periods January 1, 2002 through June 30, 2002, and July 1, 2002 through December 31, 2002. Furthermore, as Respondent’s contributions exceeded \$50,000 for the calendar year, Respondent was also obligated to file all required campaign statements online or electronically with the Secretary of State after the \$50,000 threshold amount was met.

Respondent committed four violations of the Act by failing to timely file two semi-annual campaign statements, and by failing to timely file two semi-annual campaign statements electronically.

For the purposes of this Stipulation, Respondent’s violations are stated as follows:

- COUNT 1:** Respondent Andrew Ludwick failed to timely file a semi-annual campaign statement, by the July 31, 2002 due date, for the reporting period January 1, 2002 through June 30, 2002, in violation of section 84200, subdivision (b).
- COUNT 2:** Respondent Andrew Ludwick failed to timely file a semi-annual campaign statement electronically, by the July 31, 2002 due date, for the reporting period January 1, 2002 through June 30, 2002, in violation of section 84605, subdivision (a).
- COUNT 3:** Respondent Andrew Ludwick failed to timely file a semi-annual campaign statement, by the January 31, 2003 due date, for the reporting period July 1, 2002 through December 31, 2002, in violation of section 84200, subdivision (b).
- COUNT 4:** Respondent Andrew Ludwick failed to timely file a semi-annual

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

campaign statement electronically, by the January 31, 2003 due date, for the reporting period July 1, 2002 through December 31, 2002, in violation of section 84605, subdivision (a).

## **SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in section 81002, subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully disclosed to the public, so that voters may be better informed, and improper practices may be inhibited. To that end, the Act sets forth a comprehensive campaign reporting system designed to accomplish this purpose of disclosure.

Section 82013, subdivision (c) includes within the definition of “committee” any person or combination of persons who directly or indirectly makes contributions, including loans, totaling ten thousand dollars (\$10,000) or more in a calendar year to, or at the behest of, candidates or committees. This type of committee is commonly referred to as a “major donor” committee.

Section 84200, subdivision (b) requires a major donor committee to file a semi-annual campaign statement for any reporting period in which the committee made campaign contributions. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.

Section 84605, subdivision (a) requires, beginning July 1, 2000, that major donor committees, which make contributions, including loans, totaling fifty thousand dollars (\$50,000) or more in a calendar year, must file all required campaign statements online or electronically with the Secretary of State, after the \$50,000 threshold amount is met.

Section 84215, subdivision (a) requires all major donor committees supporting statewide committees to file their campaign statements with the office of the Secretary of State, with the Registrar-Recorder of Los Angeles County, and with the Registrar of Voters of the City and County of San Francisco.

## **SUMMARY OF THE FACTS**

In 2002, during the first semi-annual campaign reporting period January 1, 2002 through June 30, 2002, Respondent made \$100,200 in political contributions, and thereby qualified, under section 82013, subdivision (c) of the Act, as a major donor committee.

### **COUNTS 1 and 3**

#### **Failure to File Semi-Annual Campaign Statements**

As a major donor committee, Respondent Andrew Ludwick had a duty to file a semi-annual campaign statement by July 31, 2002, for the reporting period January 1, 2002 through June 30, 2002. Furthermore, Respondent had a duty to file a semi-annual campaign statement by January 31, 2003, for the reporting period July 1, 2002 through December 31, 2002. Respondent failed to file semi-annual campaign statements, by July 31, 2002 and January 31, 2003, respectively, in violation of section 84200, subdivision (b).

During the reporting period January 1, 2002 through June 30, 2002, Respondent made \$100,200 in campaign contributions and failed to timely file a semi-annual campaign statement disclosing the contributions. By failing to timely file a semi-annual campaign statement disclosing contributions made, as set forth above, Respondent committed a violation of section 84200, subdivision (b).

During the reporting period July 1, 2002 through December 31, 2002, Respondent made an additional campaign contribution of \$2,250, which he failed to timely disclose in a semi-annual campaign statement. By failing to timely file a semi-annual campaign statement disclosing the contribution made, as set forth above, Respondent committed an additional violation of section 84200, subdivision (b).

Respondent filed an incorrect semi-annual campaign statement, for the reporting period January 1, 2002 through December 31, 2002, with the Office of the Secretary of State, on May 5, 2003.

#### COUNTS 2 and 4

#### **Failure to File Semi-Annual Campaign Statements Electronically**

As a major donor committee, Respondent Andrew Ludwick had a duty to file a semi-annual campaign statement electronically by July 31, 2002, for the reporting period January 1, 2002 through June 30, 2002. Furthermore, Respondent had a duty to file a semi-annual campaign statement electronically by January 31, 2003, for the reporting period July 1, 2002 through December 31, 2002. Respondent failed to file two semi-annual campaign statements electronically, by July 31, 2002 and January 31, 2003, respectively, in violation of section 84605, subdivision (a).

On February 10, 2002, Respondent's total campaign contributions for calendar year 2002 totaled \$100,200. As such, Respondent had met the \$50,000 threshold amount, which thereafter required all campaign statements filed by Respondent to be filed electronically or online with the Office of the Secretary of State, in addition to the paper-filing requirement.

During the reporting period January 1, 2002 through June 30, 2002, Respondent made \$100,200 in campaign contributions, which he failed to disclose in an electronically filed semi-annual campaign statement by the July 31, 2002 due date.

Furthermore, during the reporting period July 1, 2002 through December 31, 2002, Respondent made an additional campaign contribution of \$2,250, which he failed to disclose in an electronically filed semi-annual campaign statement by the January 31, 2003 due date.

By failing to file two semi-annual campaign statements electronically disclosing campaign contributions made, as set forth above, Respondent committed two violations of section 84605, subdivision (a).

Respondent electronically filed an incorrect semi-annual campaign statement, for the reporting period January 1, 2002 through December 31, 2002, with the Office of the Secretary of State, on May 5, 2003.

### **CONCLUSION**

This matter consists of four counts, which carry a maximum possible administrative penalty of Twenty Thousand Dollars (\$20,000).

Under the Enforcement Division's Streamlined Major Donor Enforcement Program, the approved administrative penalty for Respondent's failure to timely file semi-annual major donor campaign statements is \$1,425. However, this matter has been removed from the streamlined program due to the total amount of contributions that were not reported. The appropriate administrative penalty for cases removed from the streamlined program is determined on a case by case basis.

In this case, Respondent's violations are aggravated, as the undisclosed contributions, both in paper and electronically, exceeded \$100,000. However, Respondent was a first-time major donor and has attributed his violations to being unaware of the reporting requirements. Therefore, a penalty slightly above the middle of the administrative penalty range applicable in this matter is appropriate.

The facts of this case therefore justify imposition of the agreed upon penalty of Eleven Thousand Dollars (\$11,000).